

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
FEBRUARY 22, 2021**

The Regular Meeting was called to order at approximately 6:00 P.M. by Chairman Randy Bogar. Board Members present were, Michele Mandia, Byron Elias, John Montrose, Karen Stanislaus, and Fred Kiehm. Absent: Lenora Murad. Also in attendance were Town Supervisor Paul Miscione, Town Attorney Herbert Cully; Councilmen Richard Lenart and David Reynolds, Highway Superintendent Richard Sherman, Assessor Darlene Abbatecola, and Secretary Dory Shaw. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting. He also mentioned that one Board Member is absent and it is up to the applicant whether to proceed. The applicants will need all four members' votes for approval.

The application of a proposed **Taco Bell, 8561 Seneca Turnpike, New Hartford, New York**. They are requesting several Area Variances: three wall signs, four directional signs with their logo, and an oversized freestanding, and overage on the parking allowed. The proposed building will seat 40. The Code allows for one parking space for every three seats. The applicant needs to seek a 20± parking space Area Variance for a total of 36± parking spots. Proposed additional wall signage on the southeast end of building that faces the private entrance/exit to the Mall. This will also need a 14± sf Area Variance Applicant is proposing an 80± sf free standing/pylon sign, therefore, requiring an 18± sf Area Variance for the free standing/pylon sign. Ms. Stephanie Albright, APD Engineering, and Mr. Mike McCracken, Hospitality Syracuse, Inc. appeared before the Board.

Ms. Albright explained the four variances requested, and addressed the location of each. In particular, the free standing sign at the corner of Levitt Place (not a Town road) and Seneca Turnpike. They discussed this sign with Sangertown Mall and it either requires a lot line adjustment because it would be on Taco Bell property or it needs to be moved. Discussion ensued about moving the sign and that needs to be addressed further with the Mall. (Town Attorney Cully explained that they have not applied for a variance for two signs and this can't be addressed). They are working with the Mall to address this. Ms. Albright went through the site and explained the location of each sign. She also referred to the stacking at the site, ingress and egress and parking spaces. They need additional parking for their employees. She further explained the traffic pattern inside this development. This is an entrance that is one way in and out and she explained the need for this. A traffic study is being prepared for the Planning Board and they are working with NYSDOT. They will address any concerns that may come up regarding this study. This project is going through SEQR also at the Planning Board level. Board Member Mandia is concerned with entering and exiting the site.

Mr. McCracken explained he is working with the Mall regarding the sign – the sign may be relocated. He also explained the operation of a Taco Bell compared with other fast food chains.

Chairman Bogar asked if there was anyone in attendance for this application – no response. The Public Hearing closed at approximately 6:26 P.M. OC Planning 239 was received with no adverse comments with comments that have been made a part of the file.

At this time, the Board Members reviewed the criteria for an Area Variance:

Item #1 Wall Signs

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Item #2 Directional Signs

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Item #3 Free Standing Signs

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Item #4 Parking Spaces

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Signs: Motion was made by Board Member Michele Mandia to approve this application for all the signs with the stipulation that the free standing pylon sign as shown on the plan cannot be erected until such time as the existing pylon sign is removed; and a Building Permit be obtained within one year of approval date; seconded by Board Member John Montrose.. Vote taken:

Chairman Randy Bogar - yes
Board Member Byron Elias – yes
Board Member Mandia – yes

Board Member John Montrose – yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

Motion **approved** by a vote of 6 – 0.

Parking Spaces: Motion was made by Board Member Fred Kiehm to approve the 20 parking spaces; seconded by Board Member Michele Mandia. Vote taken:

Chairman Randy Bogar - yes
Board Member Byron Elias – yes
Board Member Mandia – yes

Board Member John Montrose – yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

Motion **approved** by a vote of 6 – 0.

The application of **Dollar General Corporation for a proposed Dollar General store at 8030 Seneca Turnpike, Clinton, New York (Town of New Hartford)**. The applicant is applying for an Area Variance based upon the Town of New Hartford Zoning Code Section 118-82(4) Schedule C. The total required parking spots should be 38 spaces. The applicant is proposing 26 parking spaces, therefore, this necessitates the applicant to seek an Area Variance for the reduction of 12 parking spaces. Tax Map #328.000-2-25.2; Zoning: C2 Commercial Retail Business. Mr. Chris Stastny of Griffiths Engineering appeared before the Board.

Mr. Stastny stated that what wasn't in the packet was an Area Variance for a sign and he would have to apply for this also, which would be addressed at another meeting.

Board Member Byron Elias recused himself from this application.

Chairman Bogar explained that this is a variance before the Zoning Board of Appeals and not a Planning Board application and explained the procedures of each Board.

Mr. Stastny presented a traffic impact study done in other areas for Dollar General's. They are in the process of doing one for this project – data is similar. He explained why they are requesting the reduction in spaces as they don't need them, i.e., they need storm water management on site, vegetative screening, etc. Parking is on the front and side of the store. He referred to the loading dock location. He addressed the other stores and their parking requirements. The purchase agreement is in place so they can't go back to the seller for more property.

Chairman Bogar asked if there was anyone present to address this application.

Mr. Joseph DePaul, manager of Cherrywood Mobile Home development. He is concerned about drainage, landscaping, lighting, and direction of the building. He would like to make sure there is a natural barrier. He also explained that they have been using the side road to get their mobile homes in. They have a signed easement with Mr. Humphreys for a tree line they planted that is on a 12' easement, which they have a right to use. Mr. DePaul further explained that they will be putting in more homes and they want to keep their residents happy.

Note: emails and calls have been received from residents in the immediate area concerned about this project. These comments have been made available to the Zoning Board members and will also be made available to the Planning Board members to review when this project comes to the Planning Board for site plan review. All of these comments have been made a part of the file.

There being no further input, the Public Hearing closed at approximately 6:56 P.M. OC Planning 239 was received with no adverse comments, and NYSDOT report was received with comments and has been made a part of the file.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response: difference of opinion;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: difference of opinion.

Motion was made by Board Member Michele Mandia to approve this application as requested/submitted; seconded by Board Member Karen Stanislaus. Vote taken:

Chairman Randy Bogar - yes

Board Member John Montrose – yes

Board Member Karen Stanislaus – yes
Board Member Michele Mandia – yes

Board Member Fred Kiehm - no

Board Member Byron Elias abstained.

Motion was **approved** by a vote of 4 – 1.

The application of Nelson Associates for **National Grid, 221 Old Campion Road, New Hartford, New York**. National Grid has an existing non-conforming accessory use structure 300'± x 49'± three-sided vehicle storage building. They are proposing a 10'± x 300'± plus a 59'± x 55'± expansion to the building located in a Manufacturing zone. The proposed addition requires an Area Variance for the addition to a non-conforming structure. Tax Map #329.006-3-22.3 & 329.010-2-1; Zoning: M Manufacturing. Ms. Lynn Kozak from Nelson Associates appeared before the Board. Ms. Lynn Kozak from Nelson Associates appeared before the Board.

Ms. Kozak explained the location of the building and how it will be used. The building will be insulated. National Grid trucks are longer and they need this facility to park their vehicles.

Chairman Bogar asked if there was anyone in attendance for this Public Hearing – no response. The Public Hearing ended at approximately 7:15 P.M. County Planning 239 and NYSDOT was received with no adverse comments.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Board Member John Montrose to **approve** this application as requested/submitted as the applicant has shown a need for the variance; seconded by Board Member Karen Stanislaus; and a Building Permit be obtained within one year of approval date. Vote taken:

Chairman Randy Bogar - yes
Board Member Byron Elias – yes
Board Member Michele Mandia – yes

Board Member John Montrose – yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

Motion was **approved** by a vote of 6 – 0.

The application of **Mr. & Mrs. Joseph Busa for vacant property located on Valley View Road**, current owner CMH Homes, Inc. They are proposing a new residential home with an attached garage. The proposed new structure will be 86'± wide which would encroach into the side yard setback on each side by five'±. Therefore, the applicants are seeking a 5'± side yard setback for each side of the property. Tax Map #330.019-1-45; Lot Size: 1.5 Acres; Zoning: Low Density Residential. Mr. & Mrs. Busa appeared before the Board.

Mr. Busa explained that he and his wife want to downsize and they are interested in this vacant lot. They would like to put up a two-stall attached garage but they need the side yard variances to do so. He explained the discrepancy between a map that he has of this lot with another, 102' vs 106' frontage. He has been working with the owner so solve this. He knows a survey is expensive but would like to solve this matter. Town Attorney Cully suggested negotiating with the owner to provide a survey. Mention was made of reducing the house by 4' but that isn't an option. Town Attorney Cully also mentioned to the if they wanted to grant the variance it could be based on the fact that it is an unusual lot and they want to put up this ranch home. It would then be up to the Busa's whether to go forward. Further discussion took place about securing the survey.

Discussion ensued regarding the placement of the home. Mr. Busa explained that he spoke with his neighbor, Mr. Vitullo, who has no problem with this variance request. Mr. Vitullo has beautiful tall trees adjacent to this property.

Chairman Bogar asked if there was another way to accomplish this request. Mrs. Busa said possibly. Codes Officer Gell explained he needs to see a survey for placement of the home, etc.

The Public Hearing did not continue at this time. A letter was received from s. Sabrina Goico, 222 Valley View Road who had concerns about this application and which has been made a part of this file. Oneida County Planning 239, NYSDOT and OC DPW replies were received with no adverse comments.

Motion was made by Board Member Byron Elias to table this application until the Busa's can submit a correct survey; seconded by Board Member John Montrose. Vote taken:

Chairman Randy Bogar - yes	Board Member John Montrose – yes
Board Member Byron Elias – yes	Board Member Karen Stanislaus – yes
Board Member Michele Mandia – yes	Board Member Fred Kiehm - yes

Motion was **approved** by a vote of 6 – 0. Mr. & Mrs. Busa will notify Zoning Board Secretary Dory Shaw when they will reappear.

The application of **Mr. John Lupino for wall signage for General Security, Inc., 72 Kellogg Road, New Hartford, New York (Hannaford Plaza)**. Wall signage allowed is 38 square feet in size. The applicant is requesting an 87± square foot wall signage. This will necessitate an Area Variance of 49± square feet. Tax Map #339.015-2-2; Zoning: C2 Commercial Retail Business. Mr. John Lupino appeared before the Board.

Mr. Lupino explained that he was not aware of the size requirements. He presented a picture of the sign and other related signs in this mall. He feels the sign complies with others in the area.

Chairman Bogar asked if there was anyone in attendance to address this application – no response. The Public Hearing closed at approximately 7:35 P.M.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Board Member Karen Stanislaus to approve this application as requested/submitted; seconded by Board Member Fred Kiehm; and a Building Permit for this sign needs to be obtained within one year of approval date. Vote taken:

Chairman Randy Bogar - yes
Board Member Byron Elias – yes
Board Member Michele Mandia – yes

Board Member John Montrose – yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

Motion was **approved** by a vote of 6 – 0. .

The application of **Mr. Mark Giruzzi, 17 Court Knolle, New Hartford, New York**. The applicant is proposing to install a pre-built 12' x 20'± shed by 4'± into the required front yard setback area and in one of the front yards. The applicant is located in a Medium Density Residential zone (corner lot) which requires the front yard setback to be 30'. Therefore, the applicant is seeking an Area Variance for the location of an accessory building in the front yard and a 4'± front yard area setback requirement. Tax Map #339.015-2-45; Zoning: Medium Density Residential.

Mr. Giruzzi was not in attendance for this variance/meeting. Chairman Bogar asked if there was anyone in attendance from the public for this meeting as Mr. Giruzzi was not at this meeting – there was no response.

Chairman Bogar mentioned that there is a shed on site already. Motion was made by Board Member Michele Mandia to send a letter to Mr. Giruzzi asking him of his intentions to proceed with this variance or not; seconded by Board member John Montrose. Vote taken:

Chairman Randy Bogar - yes
Board Member Byron Elias – yes
Board Member Michele Mandia – yes

Board Member John Montrose – yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

Motion to send Mr. Giruzzi a letter was passed by a vote of 6 – 0. Secretary Dory Shaw will send Mr. Giruzzi a letter.

The application of **Metropolitan Signs, Inc. for All Seasons Outfitters, 4505 Commercial Drive, New Hartford, New York (former building of Babies R Us)**. Total allowed signage per use is 200 square feet. He is proposing 96± additional square feet of wall signage. This additional signage will be over the allowed square feet by 50±. Therefore, applicant is seeking a 50± square foot Area Variance for their total allowed signage. Tax Map #358.000-2-1.2; Zoning: C1 General Commercial. Mr. Dave Razzante of Metropolitan Signs, Inc. appeared before the Board with the owner, Mr. Guy Viti.

Mr. Razzante explained why they would like the placement of this sign on the side of the building, i.e. better exposure, etc. There was a sign there previously from Toys R Us, but this one will be smaller. Mr. Viti explained how he moved his business to this location and it fits in with other signs in the area.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 7:45 P.M. County Planning 239 and NYSDOT had no adverse comments.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Board Member Michele Mandia to approve this application as requested/submitted as the applicant has shown a need for the variance; seconded by Board Member Karen Stanislaus; and a Building Permit be obtained within one year of approval date. Vote taken:

Chairman Randy Bogar - yes
Board Member Byron Elias – yes
Board Member Michele Mandia – yes

Board Member John Montrose – yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

Motion was **approved** by a vote of 6 – 0.

The application of **Mr. Michael Galligano, 45 Clinton Road, New Hartford, New York**. Mr. Galligano is proposing a 240± square foot addition to a non-conforming structure for his business, New Hartford Safe & Lock, and the right side of the structure does not meet the side yard setback requirements. The proposed addition will extend into the left side yard by 6'±, therefore, the applicant is seeking a 240± square foot Area Variance for the construction of an addition to the existing non-conforming structure. Tax Map #328.016-2-61; Lot Size: 0.27; Zoning: C2 Commercial Retail Business. Mr. Galligano and his son appeared before the Board.

Mr. Galligano presented a map of what the structure would look like. (His son will be moving his business into this location). This would allow the service car to be parked inside the garage. He will be about 23'± from the house once the addition is built. It is all on one parcel, which he owns. He explained the non-conforming structure on one side even though the building is on the opposite side. Mr. Galligano will be appearing before the Planning Board for his project.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 7:50 P.M. County Planning 239 and NYSDOT had no adverse comments.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Board Member John Montrose to approve this application as requested/submitted as the applicant has shown a need for the variance; seconded by Board Member Michele Mandia; and a Building Permit be obtained within one year of approval date. Vote taken:

Chairman Randy Bogar – yes
Board Member Byron Elias – yes
Board Member Karen Stanislaus – yes

Board Member Fred Kiehm - yes
Board Member Michele Mandia - yes
Board Member John Montrose - yes

Motion was **approved** by a vote of 6 – 0.

The application of **Ms. Kathryn Stam, 58 Sanger Avenue, New Hartford, New York**. Ms. Stam is proposing an 8'± x 24±' carport addition into her side yard setback area. This is a Low Density Residential zone, which requires the side yard setback to be 15'. The proposed addition will extend into

the side yard setback by 8'±, therefore, the applicant is seeking an 8'± side yard setback Area Variance. Tax Map #329.018-7-23; Zoning: Low Density Residential. Ms. Stam appeared before the Board with her neighbor Mr. Chris Blask.

Mr. Blask explained to the Board that this is the first lot outside of the Village. It is only 62' wide. He displayed a few pictures of existing carports in the area. There is no place else for her to place this carport. She looked into building a garage but it is too tight. She needs this carport for her car and it works for her at this location.

Discussion ensued regarding the measurements, stairs and the entrance/exit of her getting into and out of this carport; also water runoff.. Ms. Stam explained how it would work for her. Mr. Blask explained the runoff of water and how it drains now and in the future – same amount of water as there is now at this site.

Chairman Bogar asked if there was anyone in attendance for this application – no response. There were a couple of letters in support of this application, Mr. William Olbrys, 54 Sanger Avenue; Mr. Craig Blask, 26 Overbrook Crescent, which have been made a part of the file. One in particular was from Mr. Jamie Zalewski, 111 Gilbert Road that addressed the tightness of this lot (he was not opposed). The Public Hearing closed at approximately 8:00 P.M.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: difference of opinion;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Board Member Michele Mandia to approve this application as requested/submitted as the applicant has shown a need for the variance; seconded by Board Member Karen Stanislaus; and a Building Permit be obtained within one year of approval date. Vote taken:

Chairman Randy Bogar - yes
Board Member Byron Elias – yes
Board Member Michele Mandia – yes

Board Member John Montrose – yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

Motion was **approved** by a vote of 6 – 0.

The application of **Ms. Oksana Sidorevich, 117 Winchester Drive, New Hartford, New York**. Mr. Sidorevich is proposing a 6'± tall privacy fence 14'± off the side of the property line parallel to Read

Street. This is a corner lot, therefore, the proposed fence will extend into the front yard setback. This requires an Area Variance into the front yard setback of 22'± off the back corner of the structure turn 90± degrees to run parallel to Read Street to connect to the neighbor's existing fence. Tax Map #317.015-2-56; Lot Size: 78' x 160' (corner lot); Zoning: Low Density Residential. Ms. Sidorevich appeared before the Board.

Ms. Sidorevich explained why she needs the fence. She will not be connecting to the neighbor's home. The fence will match what is there, a white vinyl and she presented a picture. The fence will be in front of the trees (the trees will be closer to the road than the fence). She explained that she needs privacy as her back yard is open. The fence will be attached to the back corner of her home. Some neighbors were contacted and are in support of this application. There are no neighbors to the right of her.

Chairman Bogar asked if she would consider a cedar hedge, and if she would also consider a shorter fence that being 5'. She doesn't want to take the existing trees down, and she would consider reducing the fence to 5'.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 8:10 P.M. There were letters submitted, 1) Daniel Bogdan, 209 Washington Drive who is opposed; Ms. Marie Bord, 116 Washington Drive, no objection; Mr. Miga, 208 Winchester Drive, no objection.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response: difference of opinion;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: difference of opinion.

After another discussion of the Board Members regarding this proposed fence, motion was made by Board Member Michele Mandia to approve this application with the construction of a 5' vinyl fence; seconded by Board Member John Montrose ; and a Building Permit be obtained within one year of approval date. Vote taken:

Chairman Randy Bogar - yes
Board Member Byron Elias – yes
Board Member Michele Mandia – yes

Board Member John Montrose – yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

Motion was **approved** by a vote of 6 – 0.

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Motion was made by Board Member Byron Elias to approve the minutes of the November 16, 2020 Zoning Board meeting; seconded by Board Member Fred Kiehm. All in favor.

There being no further business, the meeting adjourned at approximately 8:25 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Zoning Board of Appeals